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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK

**DECLARATION OF ANDREW H.
SCHAPIRO IN SUPPORT OF
DEFENDANT GOOGLE'S MOTION TO
DISMISS COUNTS SIX AND SEVEN OF
PLAINTIFFS' SECOND AMENDED
COMPLAINT**

The Honorable Lucy H. Koh
Courtroom 8 – 4th Floor
Date: September 30, 2021
Time: 1:30 p.m.

DECLARATION OF ANDREW H. SCHAPIRO

I, Andrew H. Schapiro, declare as follows:

1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant Google LLC (“Google”) in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and admitted to practice *pro hac vice* in the Northern District of California by this Court. Dkt. 37. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Google’s Privacy Policy in effect between March 25, 2016 and June 28, 2016, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160325>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Google’s Privacy Policy in effect between June 28, 2016 and August 29, 2016, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160628>.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Google’s Privacy Policy in effect between August 29, 2016 and March 1, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160829>.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Google’s Privacy Policy in effect between March 1, 2017 and April 17, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20170301>.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Google’s Privacy Policy in effect between April 17, 2017 and October 2, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20170417>.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Google’s Privacy Policy in effect between October 2, 2017 and December 18, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20171002>.

1 8. Attached hereto as **Exhibit 7** is a true and correct copy of Google's Privacy Policy in
2 effect between December 18, 2017 and May 25, 2018, which I last accessed on October 21, 2020 on
3 the publicly available website <https://policies.google.com/privacy/archive/20171218>.

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of Google's Privacy Policy in
5 effect between May 25, 2018 and January 22, 2019, which I last accessed on October 21, 2020 on the
6 publicly available website <https://policies.google.com/privacy/archive/20180525>.

7 10. Attached hereto as **Exhibit 9** is a true and correct copy of Google's Privacy Policy in
8 effect between January 22, 2019 and October 15, 2019, which I last accessed on October 21, 2020 on
9 the publicly available website <https://policies.google.com/privacy/archive/20190122>.

10 11. Attached hereto as **Exhibit 10** is a true and correct copy of Google's Privacy Policy in
11 effect between October 15, 2019 and December 19, 2019, which I last accessed on October 21, 2020
12 on the publicly available website <https://policies.google.com/privacy/archive/20191015>.

13 12. Attached hereto as **Exhibit 11** is a true and correct copy of Google's Privacy Policy in
14 effect between December 19, 2019 and March 31, 2020, which I last accessed on October 21, 2020 on
15 the publicly available website <https://policies.google.com/privacy/archive/20191219>.

16 13. Attached hereto as **Exhibit 12** is a true and correct copy of Google's Privacy Policy in
17 effect between March 31, 2020 and July 1, 2020, which I last accessed on October 21, 2020 on the
18 publicly available website <https://policies.google.com/privacy/archive/20200331>.

19 14. Attached hereto as **Exhibit 13** is a true and correct copy of Google's Privacy Policy in
20 effect between July 1, 2020 and August 28, 2020, which I last accessed on October 21, 2020 on the
21 publicly available website <https://policies.google.com/privacy/archive/20200701>.

22 15. Attached hereto as **Exhibit 14** is a true and correct copy of Google's Privacy Policy in
23 effect between August 28, 2020 and September 30, 2020, which I last accessed on October 21, 2020
24 on the publicly available website at <https://policies.google.com/privacy/archive/20200828>.

25 16. Attached hereto as **Exhibit 15** is a true and correct copy of Google's Privacy Policy in
26 effect between September 30, 2020 and February 4, 2021, which I last accessed on May 16, 2021 on
27 the publicly available website at <https://policies.google.com/privacy/archive/20200930>.

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1 17. Attached hereto as **Exhibit 16** is a true and correct copy of Google’s current Privacy
2 Policy in effect since February 4, 2021, which I last accessed on May 16, 2021 on the publicly
3 available website at <https://policies.google.com/privacy>.

4 18. Attached hereto as **Exhibit 17** is a true and correct copy of Google’s Terms of Service
5 in effect between April 14, 2014 and October 25, 2017, which I last accessed on October 21, 2020 on
6 the publicly available website <https://policies.google.com/terms/archive/20140414>.

7 19. Attached hereto as **Exhibit 18** is a true and correct copy of Google’s Terms of Service
8 in effect between October 25, 2017 and March 31, 2020, which I last accessed on May 17, 2021 on the
9 publicly available website <https://policies.google.com/terms/archive/20171025?hl=en-US>.

10 20. Attached hereto as **Exhibit 19** is a true and correct copy of Google’s current Terms of
11 Service in effect since March 31, 2020, which I last accessed on May 16, 2021 on the publicly
12 available website at <https://policies.google.com/terms?hl=en-US>.

13 21. Attached hereto as **Exhibit 20** is a true and correct copy of Google’s Chrome Privacy
14 Notice archived on September 1, 2015, which I last accessed on October 21, 2020 on the publicly
15 available website <https://www.google.com/intl/en/chrome/privacy/archive/20150901/>.

16 22. Attached hereto as **Exhibit 21** is a true and correct copy of Google’s Chrome Privacy
17 Notice archived on June 21, 2016, which I last accessed on October 21, 2020 on the publicly available
18 website <https://www.google.com/chrome/privacy/archive/20160621/>.

19 23. Attached hereto as **Exhibit 22** is a true and correct copy of Google’s Chrome Privacy
20 Notice archived on May 20, 2020, which I last accessed on May 17, 2021 on the publicly available
21 website <https://www.google.com/chrome/privacy/archive/20200520/>.

22 24. Attached hereto as **Exhibit 23** is a true and correct copy of the “Search & browse
23 privately” page from Google Help Center for computer devices, which I last accessed on October 21,
24 2020 on the publicly available website
25 <https://support.google.com/websearch/answer/4540094?co=GENIE.Platform%3DDesktop>.

26 25. Attached hereto as **Exhibit 24** is a true and correct copy of the “How private browsing
27 works in Chrome” page from Google Chrome Help Center for computer devices, which I last accessed
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1 on October 21, 2020 on the publicly available website
2 <https://support.google.com/chrome/answer/7440301?co=GENIE.Platform%3DDesktop>.

3 26. Relevant language in these Exhibits have been highlighted in yellow for the Court's
4 convenience.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 forgoing is true and correct. Executed this 17th day of May, 2021, at Chicago, Illinois.

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8 /s/ Andrew H. Schapiro
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